

ENTERED

August 23, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GENE N. BARRY,

Plaintiff,

VS.

CIVIL ACTION NO. H-17-1403

SCOTT M. FRESHOUR, *et al.*,

Defendants.

ORDER

The defendants, Mari Robinson, in her official and individual capacity, and Belinda West, Scott Freshour, Anne Rauch, Mary Chapman, in their individual capacities, and Debbie Henneke, moved to dismiss Gene N. Barry's complaint. (Docket Entry No. 6). In response, Barry filed an amended complaint. (Docket Entry No. 8). The motion to dismiss is denied without prejudice as moot. (Docket Entry No. 6). The defendants may file a motion to dismiss the amended complaint no later than September 11, 2017, and Barry may respond no later than October 2, 2017.

The initial pretrial conference set for September 7, 2017 is cancelled and rescheduled to **October 6, 2017, at 2:30 p.m.** The parties should be prepared to argue the pending motions at that conference.

SIGNED on August 23, 2017, at Houston, Texas.



Lee H. Rosenthal

Chief United States District Judge